

Appln. No. 10/803,515

Attorney Docket No. 10541-1934

II. Remarks

Claims 1-9 and 11-37 are pending in the application. Claims 10 and 28 have been cancelled. Claims 1, 2, 5, 7, 9, 11, 12, 20, 24, 27, 29 and 30 have been amended. No new claims have been added.

Rejections Under 35 U.S.C. § 112

Claims 2, 5, 9, 11 and 27-29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants assert that the claim amendments have overcome the aforementioned 35 U.S.C. §112, second paragraph, rejections of claims 2, 5, 9, 11 and 27-29.

Rejections Under 35 U.S.C. § 102

Claims 1, 7, 20 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,333,576 issued to Verkleeren (Verkleeren).

The present invention is an air induction system having a first compliant member formed in a wall of a quarter wave tuner. The compliant member is made of a material that flexes as a result of internal pressure fluctuation during air induction into the engine, as claimed in claims 1 and 20.

Verkleeren discloses a pressure actuated noise attenuation device for an air induction system of an internal combustion engine. The device includes a quarter wave tube and a tuning body moveable within the quarter wave tube. The body is a piston and spring arrangement, as shown in Figure 5 of Verkleeren.

Verkleeren does not teach or suggest a first compliant member formed in a wall of a quarter wave tuner and made of a material that flexes as a result of internal

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pressure fluctuation during air induction into the engine. More specifically, the piston of Verkleeren is not formed in a wall of a quarter wave tuner. Therefore, Verkleeren does not teach or disclose the present invention, as now claimed. Accordingly, Applicants respectfully request allowance of claims 1 and 20.

With regard to claims 7 and 28, these claims are dependent on either claims 1 and 20 and are therefore patentable for at least the same reasons as given above in support of claims 1 and 20. Accordingly, Applicants respectfully request allowance of these claims.

Claims 20-22, 24, 26, 30-35 and 37 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 06219144 issued to Fukushima et al. (Fukushima).

Fukushima discloses a duct structure having a noise reducing effect by forming an opening in a part of the duct body and installing a film material in the opening. The film material is formed of a thin and lightweight material that can resonate with vibration of air.

However, Fukushima does not disclose a compliant member disposed in a quarter wave tuner, as claimed in claims 20 and 30. On the contrary, Fukushima discloses a flexible material disposed in a bend in a duct (see English Abstract of Fukushima). Therefore, Fukushima does not teach or disclose the present invention as now claimed. Accordingly, Applicants respectfully request allowance of claims 20 and 30.

With regard to claims 21-22, 24, 26 and 31-35 and 37, these claims are dependent on either claim 20 or 30 and are therefore patentable for at least the same reasons as given above in support of claims 20 and 30. Accordingly, Applicants respectfully request allowance of these claims.

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Rejections Under 35 U.S.C. § 103

Claims 2, 3 and 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Verkleeren as applied to claim 1 above, and further in view of Japanese Patent 06219144 issued to Fukushima et al. (Fukushima). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Verkleeren in view of Fukushima as applied to claim 3 above and further in view of U.S. Patent Publication 2003/0144418A1 by Donald et al. (Donald). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Donald. Claim 9 was also rejected under 35 U.S.C. §103(a) as being unpatentable over Verkleeren as applied to claim 1 above, and further in view of U.S. Patent No. 6,600,408 issued to Walter et al. (Walter). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Verkleeren as applied to claim 1, and further in view of U.S. Patent Publication 2002/0124734A by Spannbauer et al. (Spannbauer). Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima as applied to claim 20 above, and further in view of Spannbauer. Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima as applied to claim 20 above and further in view of Walter. Claims 12-17 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima. Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima as applied to claim 16 above and further in view of Donald. Claims 23 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima as applied to claims 20 and 30 above, and further in view of Donald.

With regard to these claim rejections under 35 U.S.C. §103, none of the applied references teach or suggest an air induction system having a first compliant member formed in a wall of a quarter wave tuner and wherein the first compliant

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member has a thickness that is less than half of a thickness of the wall of the quarter wave tuner. Accordingly, claims 2-9, 12-19, 23 and 26 are patentable over the cited references. Applicants, respectfully request allowance of claims 2-9, 12-19, 23 and 26.

SUMMARY

Pending Claims 1-9 and 11-27 and 29-37 as amended are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

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Date

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